

Application No.: 09/818,953  
Reply to Office Action of July 16, 2009

### **REMARKS/ARGUMENTS**

The Office Action of July 16, 2009, has been carefully reviewed and these remarks are responsive thereto. Claims 25, 34, 42, 45, 46, 48, 55, 62, and 68 have been amended, claims 1, 5, 18-19, 31, 40-41, 47, 52, and 57-59 have been previously canceled, and claim 44 has been currently cancelled without prejudice or disclaimer. Claims 2-4, 6-17, 20-30, 32-39, 42-43, 45-46, 48-51, 53-56, and 60-73 thus remain pending in this Application. Reconsideration and allowance of the instant Application are respectfully requested.

#### **Rejections Under 35 U.S.C. § 101**

Claims 20-25 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. More specifically, the Office Action alleges that method claims 20-25 fail to either tie the method steps to a particular machine or show that the steps transform an article. Applicants respectfully disagree. Independent claim 25 clearly transforms the first nodes into weighted second nodes. According to the Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101 (issued August 24, 2009 by the Office), "transformation of electronic data has been found when the nature of the data has been changed such that it has a different function or is suitable for a different use." (See page 6, lines 1-3 of the Interim Examination Instructions) The weighted second nodes that are generated through the method steps of claim 25 have the function of "indicating a degree to which the user is interested in the concept of the corresponding first node of the ontology." The first nodes of the ontology do not have such a function. Therefore, the first nodes of the ontology are transformed into the weighted second nodes through the method steps of claim 25. Hence, reconsideration and allowance of claim 25 is respectfully requested. Dependent claims 20-24 depend from independent claim 25 and are directed to statutory subject matter for at least the same reasons as claim 20, and further in view of the various features recited therein.

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### Rejections Under 35 U.S.C. § 103

Claims 2-4, 6-17, 20-23, 25-31, 32-39, 42-46, 48-51, 53, 55-56, 60-67 and 68-73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,151,584, hereinafter Papierniak, in view of U.S. Pat. No. 6,317,722, hereinafter Jacobi.

Independent claim 25 has been amended to recite, *inter alia*, "receiving user data corresponding to a user wherein said user is de-identified in the user data." Neither Papierniak nor Jacobi, either alone or in combination, teach or suggest at least this feature of amended independent claim 25. This feature of claim 25 was part of previous dependent claim 44. The Office Action on page 7 alleges that this feature of claim 25 is taught by Papierniak and cites column 14, lines 65-67 in doing so. However, it is not clear to the Applicants how deletion of data disclosed in Papierniak is being interpreted to constitute "wherein said user is de-identified" as recited in claim 25. Indeed, deleting data is completely distinct in subject matter to de-identifying a user. More specifically, deleting data refers to getting rid of it (i.e., erasing it) whereas de-identification refers to using it without revealing the identity of the user (i.e., anonymously). As such, deleting data in an appropriate time as disclosed at col. 14, lines 65-67 of Papierniak fails to constitute the features of claim 25. Moreover, the rest of Papierniak is completely devoid of any mention, let alone teaching or suggestion, of the feature of user data relating to a de-identified user as recited in claim 25.

None of the references of record (Jacobi, financialengines.com, etc) cure this deficiency within Papierniak. Hence, for at least these reasons, Applicants submit that claim 25 is in condition for allowance. Dependent claims 20-23, 26-30, 45, and 68 depend from independent claim 25 and are distinguishable for at least the same reasons as claim 25, and further in view of the various features recited therein. Independent claims 34, 42, 48, 55, and 62 have been amended to recite features similar to those discussed above for claim 25. Hence, Applicants submit that independent claims 34, 42, 48, 55, and 62 are in condition for allowance for similar reasons given in support of claim 25. Dependent claims 2-4, 6-17, 32-33, 35-39, 43, 46, 49-50, 53, 56, 60-61, 63-67, 69, and 70-73 depend from one of these independent claims and are distinguishable for at least the same reasons as one of these independent claims, and further in view of the various features recited therein.

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Claims 24, 51 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,151,584, hereinafter Papierniak, in view of U.S. Pat. No. 6,317,722, hereinafter Jacobi, and further in view of Financialengines.com. Financialengines.com does not cure the aforementioned deficiencies of Papierniak and/or Jacobi. Therefore, because dependent claim 24 depends from independent claim 25 discussed above, claim 24 is distinguishable for at least the same reasons as claim 25, and further in view of the various features recited therein. Dependent claim 51 depends from independent claim 48 discussed above and is distinguishable for at least the same reasons as claim 48, and further in view of the various features recited therein. Dependent claim 54 depends from independent claim 55 discussed above and is distinguishable for at least the same reasons as claim 55, and further in view of the various features recited therein.

All issues having been addressed, Applicants respectfully submit that the instant Application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the Application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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